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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,513	07/17/2006	Steven A. Casperson	184/IUS	8926
36829	7590	05/02/2007	EXAMINER	
SCHWARTZ LAW FIRM, P.C. 6100 FAIRVIEW ROAD SUITE 11350 CHARLOTTE, NC 28210			NGUYEN, QUANG N	
			ART UNIT	PAPER NUMBER
			2141	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/567,513	CASPERSON ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Quang N. Nguyen	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 July 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 March 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>20060510 and 20061107</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

***Detailed Action***

1. This Office Action is responsive to the Application S/N 10/567,513 filed on 07/17/2006. Claims 1-23 are presented for examination.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 05/10/2006 and 11/07/2006 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (US 2004/0103153 A1), hereinafter “Chang”, in view of Malik (US 2003/0219104 A1).**

5. As to claim 1, **Chang** teaches a realtime electronic communications system, comprising:

an instant messaging server (*i.e.*, IM server 85) (**Chang**, Fig. 1);

a first computer comprising a first instant-messaging client, said first client adapted for logging said first computer in to said server (*a controlling user of PC 15 connects to the IM server 85 as an IM client*) (**Chang**, Fig. 1 and paragraph [0034]);

a second computer comprising a second instant-messaging client, said second client adapted for logging said second computer in to said server (*a smart network appliance SNA 90 connects to the IM server 85 as an IM client*) (**Chang**, Fig. 1 and paragraph [0029]);

an external device operatively connected to said second computer (*i.e.*, another network appliances connected to the smart network appliance SNA 90) (**Chang**, paragraph [0036]); and

means utilizing respective connecting information of said first and second computers for effecting realtime peer-to-peer communication between said first and second computers, whereby said first computer interfaces with said external device in realtime (*the IM client in the smart network appliance SNA 90 may send the monitoring and status information of other network appliances connected to it directly to the IM client of the controlling user of PC 15*) (**Chang**, paragraphs [0036-0037]).

However, **Chang** does not explicitly teach said first and second clients adapted for communicating to said server connecting information of said first and second computers.

In an analogous art, **Malik** teaches an instant messaging system wherein once the IM client is connected to the IM server, the IM client then sends the IM server the connection information such as IP address and the port number assigned to the IM client (**Malik, paragraph [0005]**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the feature of communicating to the IM server connecting information of the IM client computer, as disclosed by **Malik**, into the teachings of **Chang**, since both references are directed to instant messaging systems, i.e., would be considered to be analogous based on their related fields of endeavor.

One would be motivated to do so to allow the IM server to notify other IM clients if any of the contacts associated with the IM client is logged onto the network by sending a notification update to the IM client with the connection information of each contacts currently logged onto the network so the IM client can communicate directly with his contacts (**Malik, paragraph [0006]**).

6. As to claim 2, **Chang-Malik** teaches the realtime electronic communications system according to claim 1, wherein said connecting information comprises an IP address and port number for each of said first and second computers (**Malik, paragraph [0005]**).

7. As to claim 3, **Chang-Malik** teaches the realtime electronic communications system according to claim 1, wherein said first computer is a PC comprising a graphical

user interface (*i.e., the controlling user PC 15 in Fig. 1 comprising a GUI to allow the user to control and monitor the SNA 90 and other network appliances connected to via a web page*) (**Chang, Fig. 1 and paragraphs [0083-0084]**).

8. As to claim 4, **Chang-Malik** teaches the realtime electronic communications system according to claim 3, and comprising a display monitor connected to said PC (*i.e., the controlling user PC 15 inherently comprises a display monitor as illustrated in Fig. 1*) (**Chang, Fig. 1**).

9. As to claims 5-6, **Chang-Malik** teaches the realtime electronic communications system according to claim 4, and comprising a status icon or a text message appearing in an open window of said display monitor, and indicating a status of said external device in realtime (*i.e., the IM server/system lets an IM client display custom status messages (or icons) to his “buddies” online about the IM client’s status/availability such as online, offline, idle, busy, available, etc*) (**Malik, paragraphs [0004]**).

10. As to claim 7, **Chang-Malik** teaches the realtime electronic communications system according to claim 1, and comprising means for automatically communicating a status of said external device to said first computer upon a predetermined event identified by said second computer (*the operation and status information collected by the monitoring engine is transmitted by the smart network appliance SNA 90 to each*

*one of its buddies, i.e., to the controlling user PC 15 using the IM client) (Chang, paragraphs [0036-0037]).*

11. As to claim 8, **Chang-Malik** teaches the realtime electronic communications system according to claim 7, wherein the predetermined event identified by said second computer is selected from a group consisting of a change in digital inputs, a change in analog values, and arrival of a serial data stream (*predetermined event such as turning on/off an operation of another network appliance connected to the smart network appliance, blocking access to some audio/video data streams, particular web sites, etc*) (**Chang, paragraphs [0038-0039] and [0080]**).

12. As to claim 9, **Chang-Malik** teaches the realtime electronic communications system according to claim 1, and comprising means for effecting an automated response in a second external device connected to said first computer upon a predetermined event identified by said second computer, said second computer communicating occurrence of the event to said first computer in realtime (*by acting an IM buddy to the controlling user PC 15, the smart network appliance SNA 90 may send instant messages to the controlling user PC 15 to report the status and operation information collected by the monitoring engine in real-time*) (**Chang, paragraphs [0031], [0036-0037] and [0040]**).

13. As to claim 10, **Chang-Malik** teaches the realtime electronic communications system according to claim 9, wherein the predetermined event identified by said second computer is selected from a group consisting of a change in digital inputs, a change in analog values, and arrival of a serial data stream (*predetermined event such as turning on/off an operation of another network appliance connected to the smart network appliance, blocking access to some audio/video data streams, particular web sites, etc*) (**Chang, paragraphs [0038-0039] and [0080]**).

14. As to claim 11, **Chang-Malik** teaches the realtime electronic communications system according to claim 9, wherein said automated response comprises means for actuating a switch operatively connected to said second external device (*a controlling user at PC 15 may direct the smart network appliance SNA 90 to turn on an operation of another network appliance connected to it*) (**Chang, paragraphs [0031] and [0039]**).

15. As to claim 12, **Chang-Malik** teaches the realtime electronic communications system according to claim 1, wherein said external device is selected from a group consisting of a PC, programmable logic controller (PLC), remote terminal unit, data terminal, power line communications source, data logger, measurement gauge, and switching device (*other network appliances on the network can be one of personal and portable computers, electronic organizers, PDAs, wireless telephones, entertainment systems, household appliances, etc*) (**Chang, paragraph [0027]**).

16. As to claim 13, **Chang-Malik** teaches the realtime electronic communications system according to claim 1, and comprising a wireless modem operatively connected to at one of said first and second computers (**Chang**, paragraphs [0027] and [0051]).

17. As to claim 14, **Chang-Malik** teaches the realtime electronic communications system according to claim 1, wherein said second computer comprises an RS-232 port (*as well known by those skilled in the art, RS-232 is a standard interface for connecting serial devices such as modem, display screen, mouse and serial printer and the smart network appliance SNA 90 is an electronic device configured for connecting with various network appliances/devices, thus, inherently the SNA 90 comprises an RS-232 port*) (**Chang**, paragraphs [0027] and [0055]).

18. As to claim 15, **Chang-Malik** teaches the realtime electronic communications system according to claim 1, wherein said second computer comprises an RS-485 port (*since the smart network appliance SNA 90 may include a network gateway, a router, modem, hub, switch, other device that acts as an entrance to another network, inherently the SNA 90 comprises an RS-485 port*) (**Chang**, paragraph [0027]).

19. As to claim 16, **Chang-Malik** teaches the realtime electronic communications system according to claim 1, wherein said instant-messaging server comprises means for providing a multi-dimensional communications environment (**Chang**, Fig. 1 and paragraph [0067]).

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20. As to claim 17, **Chang-Malik** teaches the realtime electronic communications system according to claim 16, wherein said server communicates via a TCP/IP network (*communicates instant messages or web pages via the Internet*) (**Chang**, Fig. 1).

21. As to claims 18-21, **Chang-Malik** teaches the realtime electronic communications system according to claim 1, wherein said first computer comprises a node on a local area network (*the controlling user PC 15*), a node on a wide area network (*the controlling user PC 10*), a mobile node on a wireless network selected from a group consisting of a cellular telephone, a laptop computer, a handheld computer, and a personal digital assistant (*appliances 30, 35*) (**Chang**, Fig. 1 and paragraph [0057]).

22. Claim 22 is a corresponding computer claim of the realtime communication system claim 1; therefore, it is rejected under the same rationale.

***Claim Rejections - 35 USC § 102***

23. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**24. Claim 23 is rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. (US 2004/0103153 A1), hereinafter “Chang”.**

**25. As to claim 23, Chang teaches a method for realtime electronic communication, said method comprising the steps of:**

operatively connecting an external device to a first computer (*operatively connecting other network appliances to the smart network appliance SNA 90*) (Chang, paragraph [0027]); and

effecting peer-to-peer instant-messaging communication between the first computer and a remote second computer, whereby the second computer interfaces with the external device in realtime (*by acting an IM buddy to the controlling user PC 15, the smart network appliance SNA 90 may send instant messages to the remote controlling user PC 15 to report the status and operation information collected from other network appliances connected to it by the monitoring engine in real-time*) (Chang, paragraphs [0031] and [0036-0037]).

### **Conclusion**

**26. Further references of interest are cited on Form PTO-892, which is an attachment to this Office Action.**

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27. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Quang N. Nguyen  
Patent Examiner  
AU – 2141